

# CITY OF SAN BRUNO

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567 El Camino Real  
San Bruno, CA 94066  
Voice: (650) 616-7074  
Fax: (650) 873-6749  
<http://sanbruno.ca.gov>

## STAFF

Terry Jackson, *Interim Community Development Director*  
Gary Binger, *Interim Planning Director*  
Aaron Akin, *AICP, Planning Manager*  
Mark Sullivan, *AICP, Housing and Redevelopment Manager*  
Beilin Yu, *Associate Planner*  
Lorraine Weiss, *Contract Planner*  
Adam Finestone, *Recording Secretary*  
Pamela Thompson, *City Attorney*

## PLANNING COMMISSIONERS

Joe Sammut, *Chair*  
Sujendra Mishra, *Vice-Chair*  
Mary Lou Johnson  
Bob Marshall Jr.  
Kevin Chase  
Rick Biasotti  
Perry Petersen

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## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING COMMISSION MINUTES

March 15, 2005

San Bruno Senior Center  
1555 Crystal Springs Blvd.  
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:02pm

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Sammut	X	
Vice Chair Mishra	X	
Commissioner Johnson	X	
Commissioner Marshall	X	
Commissioner Chase	X	
Commissioner Biasotti	X	
Commissioner Petersen	X	

### STAFF PRESENT:

Planning Division: Interim Community Development Director: Terry Jackson  
Planning Manager: Aaron Akin  
Associate Planner: Beilin Yu  
Contract Planner: Lorraine Weiss  
Planning Consultant: Lisa Costa-Sanders

City Attorney: Pamela Thompson

Pledge of Allegiance Vice-Chair Mishra

1. Approval of Minutes - February

# **Motion to Approve minutes of February 15, 2005 Planning Commission Meeting**

**Johnson/Marshall**

VOTE: 6-0  
AYES: All Commissioners  
NOES:  
ABSTAIN:

**Commissioner Chase arrived**

## **2. Communication**

Planning Manager Aknin introduced the City's new Associate Planner, Beilin Yu, who drafted several of tonight's staff reports and will be presenting them. He also introduced Planning Consultant Lisa Costa-Sanders, who handles most of the City's Tanforan-related planning issues;

## **3. Public Comment**

None at this time

## **4. 45 Scott St.**

Request for a Conditional Use Permit to allow construction of an addition that proposes to increase the Gross Floor Area by more than 50%, 12.200.030.B.1 of the San Bruno Zoning Ordinance. Darwin M. Madarang (Owner/Applicant), Sullivan Santos (Architect)

Contract Planner Weiss entered staff report.

Staff recommends approval of UP-04-59 based on Findings for Approval 1-8 and Conditions for Approval 1-12

Commissioner Petersen asked for clarification of a portion of the staff report stating that the project exceeds the gross floor area. Contract Planner Weiss stated that the project exceeds the gross floor area allowed under the San Bruno Zoning ordinance, and thus requires approval from the Planning Commission.

Darwin Madarag, the applicant and owner, briefly described his proposed project. He stated that he is proposing the addition in order to accommodate his growing family.

Public hearing opened

Public hearing closed

Commissioner Johnson asked the applicant if the color sample provided was what would be used on the proposed addition. He stated that the color would match the existing portion of the home.

## **Motion to approve UP-04-59 based on Findings of Fact 1-8 and Conditions of Approval 1-12**

**Johnson/Biasotti**

VOTE: 7-0  
AYES: All Commissioners  
NOES:  
ABSTAIN:

### **FINDINGS OF FACT**

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Friday, March 4, 2005, and legal notice published in the San Mateo Times, Saturday, March 5, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will compliment the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single family residential purposes.
8. The off street parking is adequate for the proposed residence.

### **CONDITIONS OF APPROVAL**

### **Community Development Department**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-59, shall not be valid for any purpose. Use Permit 04-59 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on March 15, 2005, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit.

### **Department of Public Works**

7. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
8. Storm water from new and existing roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through an under sidewalk curb drain to the gutter.
9. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
10. A permit shall be required from Parks Department for planting one 36-inch box size tree or payment of equal value to tree fund for tree(s) and installation.
11. Replace all broken or raised concrete in sidewalk or driveway approach as marked per San Bruno Municipal Code 8.12.010, City Standards 7 & 8.

## **Fire Department**

12. Walk and eaves shall be fire rated with no openings that are closer than 3 feet from property line.

Chair Sammut advised of 10 day appeal period.

### **5. 39 Tanforan Ave.**

Request for a Conditional Use Permit to allow construction of an addition, which proposes to increase the Gross Floor Area by more than 50%, per section 12.200.030.B.1 of the San Bruno Zoning Ordinance. – Jose Guadamuz (Applicant), Siri & Suruj Chandar (Owner)

Planning Manager Akin entered staff report.

Staff recommends approval of UP-04-60 based on Findings for Approval 1-8 and Conditions for Approval 1-14.

Chair Sammut asked if the revisions recommended by the Architectural Review committee were made, and if a color sample were available. Planning Manager Akin stated that the revisions were made, and the applicant presented the color sample.

Jose Guadamuz, the architect and applicant, briefly discussed his project. He stated that the owner was attempting to create more space for his growing family, and that the proposed addition would match the existing structure.

Commissioner Johnson stated that when she was at the project site, there was a sign posted from the City of San Bruno that the fence needed to be moved in order to accommodate the fire hydrant. This will be added as Planning Commission Condition of Approval 15. Commissioner Johnson asked staff to direct the applicant as to the requirements for the fire hydrant spacing. Planning Manager Akin stated that staff would provide fire hydrant spacing to the applicant per the requirements of the fire marshal.

Chair Sammut asked the applicant if he was in agreement with the findings of fact and conditions of approval. The applicant stated that he was in agreement.

Public comment opened

Public comment closed

**Motion to approve UP-04-60 based on Findings of Fact 1-8 and Conditions of Approval 1-15**

**Johnson/Chase**

VOTE: 7-0  
AYES: All commissioners present  
NOES:  
ABSTAIN:

## **FINDINGS OF FACT**

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Tuesday, March 3, 2005, and legal notice published in the San Mateo Times, Saturday, March 5, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed residence is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed residence will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the new residence is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.
8. Existing off-street parking is adequate for the proposed residence.

## **CONDITIONS OF APPROVAL**

### **Community Development Department**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of

Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-60 shall not be valid for any purpose. Use Permit 04-60 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for a new residence shall be built according to plans approved by the Planning Commission on March 15, 2005, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of one (1) motor vehicle, and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. The applicant must work with the City of San Bruno Parks Department in order to ensure compliance with all aspects of the Heritage Tree ordinance.
9. The applicant shall check with the City of South San Francisco regarding any permits necessary for work in the public right-of-way directly to the north of the subject property.

#### **Department of Public Works**

10. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.

11. The address number shall be painted on the face of curb near the driveway approach. The address shall be painted in black numbering on white background.
12. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
13. The applicant shall plant one (1) 36-inch box size tree or pay a fee in lieu to the City tree fund for the tree and its installation per San Bruno Municipal Code 8.24.

### **Fire Department**

14. Provide illuminated address number.

Chair Sammut advised of a 10-day appeal period.

### **6. 852 2<sup>nd</sup> Ave**

Request for a Conditional Use Permit to allow construction of an addition that proposes to increase the Gross Floor Area by more than 50%, 12.200.030.B.1 of the San Bruno Zoning Ordinance. Arthur C. Lubag (Owner/Applicant)

Contract Planner Weiss entered staff report.

Staff recommends approval of UP-04-61 based on Findings for Approval 1-8 and Conditions for Approval 1-14

Commissioner Johnson asked staff to clarify if the changes recommended by the Architectural Review Committee had been made. Contract Planner Weiss stated that the only change that was not made as recommended was the location of the front entryway.

Chair Sammut asked staff if there were color samples. Contract Planner Weiss stated that the applicant had them. Chair Sammut invited the applicant to the podium, and asked him to pass forward the color samples.

Commissioner Petersen stated that the comment from the Architectural Review Committee was that it was impossible to see the front door from the street as designed. However, even though the location of the front door was not changed, the plans show the addition of a front porch which gives a good idea of where the front door is.

Arthur Lubag, the applicant and owner, briefly described his project. He stated that his intention is to increase the safety and beauty of his property and the neighborhood. The fact that the current design has a large front setback, according to the applicant, makes for an inviting situation for crime.



Commissioner Johnson stated that the current property is an eyesore due to the debris in the front area, and that she would not desire to be a neighbor in that area. She stated that she hopes that the proposed addition would create a cleaner, safer environment in the front part of the property.

Commissioner Biasotti asked the applicant what type of driveway he intended to install. The applicant stated that he intended to install cement pavers.

Public comment opened

Public comment closed

Chair Sammut stated that in the past, there have been conditions of approval attached to project regarding the maintenance of construction debris to be outside of the public right-of-way. He asked staff if it were possible to put such a condition on this project. Planning Manager Aknin stated that a condition requiring the daily cleaning of construction-related debris from the public right-of-way could be imposed. He recommended a condition which stating that the yard must be kept clean during the construction process and that no construction material or debris could be kept in the public right-of-way. This will become Planning Commission Condition of Approval 15.

Commissioner Chase stated that in the past, conditions of approval have required that the project site be cleaned up prior to the project starting. Planning Manager Aknin stated that a condition could be added to require the site to be cleaned prior to issuance of the building permit. This will be added as Planning Commission Condition of Approval 16.

### **Motion to approve UP-04-61 subject to Findings of Fact 1-8 and Conditions of Approval 1-16**

**Biasotti/Chase**

VOTE: 7-0  
AYES: All Commissioners  
NOES:  
ABSTAIN:

### **FINDINGS OF FACT**

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Friday, March 4, 2005, and legal notice published in the San Mateo Times, Saturday, March 5, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.

3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will compliment the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single family residential purposes.
8. Existing off-street parking is adequate for the proposed residence.

## **CONDITIONS OF APPROVAL**

### **Community Development Department**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-61, shall not be valid for any purpose. Use Permit 04-61 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on March 15, 2005, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside

construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit.

### **Department of Public Works**

7. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
8. Storm water from new and existing roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through an under sidewalk curb drain to the gutter.
9. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
10. A permit shall be required from Parks Department for planting one 36-inch box size tree or payment of equal value to tree fund for tree(s) and installation.
11. Replace all broken or raised concrete in sidewalk or driveway approach as marked per San Bruno Municipal Code 8.12.010, City Standards 7 & 8.
12. Paint address number on face of curb near driveway approach with black lettering on white background.
13. No fence, retaining wall or other permanent structure to be placed within 2 feet from back of sidewalk. San Bruno Municipal Code 8.08.010

### **Fire Department**

14. Walk and eaves shall be fire rated with no openings that are closer than 3 feet from property line.

### **Planning Commission**

15. The front yard of the property shall be kept clean during the construction process, and no construction debris or materials can be stored in the public right-of-way.
16. The project site shall be cleaned up prior to issuance of building permit.

Chair Sammut advised of 10-day appeal period.

## **7. Behind 2690 Muirfield Dr.**

Request for a conditional use permit to allow installation of a wireless communications facility on an existing PG&E tower per Chapter 12.112 & 12.96 of the San Bruno Zoning Ordinance – The Alaris Group for MetroPCS (Applicant), PG&E (Property owner).

Planning Manager Akin stated that although the staff report recommends approval of this use permit, staff is going to recommend that this item be continued until the April Planning Commission meeting for two reasons. First, The City of South San Francisco will be holding a public meeting regarding this proposed wireless facility as it lies between South San Francisco and San Bruno. The City of South San Francisco has requested that this item be continued until after they hold their public meeting. Additionally, the San Bruno City Manager has requested that this item be continued until the City Council has a chance to review the Wireless facility use permit on Cunningham Dr. that the Planning Commission approved last month. Once the City Council has reviewed that proposal, any relevant conditions of approval will be placed on this item as well.

Grant Wilson, representing the Alaris Group and MetroPCS, the applicant, stated that this project has been a difficult project for the Alaris Group as it requires consideration by two jurisdictions, and several meetings within each jurisdiction. He stated that the Commission tonight is reviewing the equipment cabinets and the cables that run to the street. The actual antennas would not be approved or denied by this Planning Commission as they lie within the City of South San Francisco. He requested that the Planning Commission take final action tonight in order to gain partial approval.

Interim Director Terry Jackson stated that, speaking on behalf of the City Manager's Office, it is important that we do not get ahead of ourselves in this process as South San Francisco has asked Staff to continue the item. Additionally, as Planning Manager Akin stated, the council will be reviewing the Cunningham wireless facility (though it had not been appealed) to discuss mitigation measures regarding neighborhood reassurance. Thus, she recommends the item be continued.

Commissioner Marshall asked when the meeting in South City would be held. Planning Manager Akin stated that the neighborhood meeting, which would detail any concerns or design modifications to be addressed by the applicant, would be held on March 31<sup>st</sup>.

City Attorney Thompson reaffirmed the statements of Interim Community Development Director Jackson. She also stated that since the project must be reviewed by two different planning bodies, there are possibilities of inconsistencies within the approvals.

Commissioner Marshall stated that his concern is that the request from South San Francisco asked for continuance until an uncertain date. He believes that it is unfair to any applicant to table something indefinitely. City Attorney Thompson stated that the Planning Commission does not have to table the item indefinitely.

The applicant stated that he had initially requested that the San Bruno Planning Commission hearing be held after that of South San Francisco. Additionally, he stated that the facility has been designed to meet the requirements of South San Francisco, and then redesigned upon instruction from South San Francisco's Design Review board.

Commissioner Johnson asked the applicant what challenges the project would face if the item were to be continued until the San Bruno Planning Commission meeting following South San Francisco's approval. The applicant stated that it would delay the beginning of project construction. He recommended that the City of San Bruno approve the item here tonight, and make any future suggestions that would come out of the City Council hearing to the City of South San Francisco's Planning department.

City Attorney Thompson stated that since the applicant had clarified his request for this hearing to be held after that of South San Francisco, she sees not prejudice in requesting a continuance until that time.

Public Comment Opened

Public Comment Closed

Commissioner Biasotti asked for clarification of City Attorney Thompson's previous statement. She clarified that her comment was in response to Commissioner Johnson's question of what prejudice continuing the project would put on the applicant.

Commissioner Marshall asked if the same situation regarding redesign would arise from South San Francisco's perspective if they were to approve it before it was heard by this Commission. City Attorney Thompson stated that either way, there is the possibility that conflicting approvals are issued by the different jurisdictions. Commissioner Marshall then asked if it could be conditioned to be approved in the same form by South San Francisco. Planning Manager stated that that would make sense, but that the Commission is also awaiting direction from the City Council as well as the South San Francisco neighborhood meeting. He also clarified that the City Council may be making recommendations regarding wireless facilities in general, not just the antennas.

Commissioner Marshall recommended that if continued, the applicant be given a date until which it will be continued. Planning Manager Akin stated that, since there will be two Planning Commission meetings in April, the item could be continued to either meeting.

Commissioner Petersen asked when the first April Planning Commission meeting would be held. Planning Manager Akin stated that it would be April 5<sup>th</sup>. Commissioner Petersen stated that he agrees with Commissioner Marshall that it is a shame to delay the applicant, but on the other hand, the City Council has requested that this Commission wait for their recommendations before making a decision on this item.

**Motion to continue UP-04-63 until the Planning Commission meeting of April 5<sup>th</sup>.**

VOTE: 7-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

Chair Sammut advised that this item will be continued to the Planning Commission meeting of April 5<sup>th</sup>, 2005.

**8. 1150 El Camino Real (The Shops at Tanforan)**

Request for modifications to the Conditions of Approval (PDP 02-02) from 3,500 seats and ten screens to 3,950 seats and 20 screens for the Cinema Building at the Tanforan Park Shopping Center. Tanforan Shopping Center, LLP, (applicant & owner)

Planning Consultant Costa-Sanders entered staff report.

Staff recommends approval of the amendment to the Conditions of Approval for the Cinema PDP 02-02 based on Findings of Fact 1-8 and Conditions of Approval 1-3.

Commissioner Petersen stated that Finding of Fact 6 seems more like a conjecture than a fact. Planning Manager Aknin stated that this finding is contained within the Municipal Code with reference to a Planned Development Permit, and thus must be made. Commissioner Petersen asked if that would be more a Condition of Approval rather than a Finding of Fact. Planning Manager Aknin stated that it could be both.

Greg Wattson, representing the applicant Wattson Breevast, the managing partner of the Shops at Tanforan, asked for clarification of the six-month time limit to obtain a building permit for the theatre. City Attorney Thompson stated that she would research the zoning code while other questions are being asked and answered. The applicant stated that before the theatre could be built, the parking structure atop which it will sit must be built, which should take about eight months itself. The parking structure will be before the Architectural Review Committee shortly. That would be his only concern.

Commissioner Chase attempted to clarify Finding of Fact 6. His belief is that this application is simply an amendment to a previously approved Planned Development Permit to allow an increase from 10 to 20 screens, and from 3,500 to 3,950 persons. It is his belief that the issue of pulling the building permit is not in question at this time. Planning Manager Aknin stated that the text for Finding of Fact 6 was mistakenly taken from the section of the Municipal Code regulating Planned Unit Permits, not Planned Development Permits, and could thus be removed from this item.

Commissioner Marshall asked for clarification regarding the completion of construction for the entire project, believing that it was to be completed by October. The applicant stated that the mall itself is scheduled to be completed by the end of October, however the theatre had not been scheduled to open at that time due to project phasing.

Commissioner Chase stated the Commission is only considering the amendment to the capacity.

Public Comment Opened

Public Comment Closed

**Motion to Approve Modification to Conditions of Approval for PDP-02-02 subject to Findings of Fact 1-7 and Conditions of Approval 1-3.**

**Chase/Biasotti**

VOTE: 7-0  
AYES: All Commissioners  
NOES:  
ABSTAIN:

**FINDINGS OF FACT**

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times on March 5, 2005 and notices mailed to property owners within 300 feet of the project site on March 4, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article 2, Chapter 12.36.
3. This project is subject to the Environmental Impact Report (SCH # 98112029) prepared for the San Bruno Redevelopment Project Area Plan project in accordance with the provisions of the California Environmental Quality Act (Public Resources Code Section 21080, subd. (c)), as amended by the Tanforan Park Shopping Center Improvements Addendum (201378), dated December 9, 2002.
4. As demonstrated in the Environmental Impact Report (SCH # 98112029) the site is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, geologic hazard or other menace.
5. As demonstrated in the Environmental Impact Report (SCH # 98112029) the site is physically suitable for the type and proposed density of development.
6. The proposal is consistent with the Cinema plans (PDP 02-02) as approved by the Planning Commission on December 17, 2002.
7. As demonstrated in the Environmental Impact Report, the Planning Commission has considered the effect of this development on the housing needs of the region and has balanced these needs against the public service needs of the residents of the City of San Bruno and available fiscal and environmental resources.

## **CONDITIONS OF APPROVAL**

### **Community Development Department**

1. All conditions contained in PDP-02-02 shall remain in full force and effect.
2. The approval is based on 3,950 seats and 20 screens and is subject to final approval of the Exiting Plan by the City of San Bruno.
3. All requirements of the approved Existing Plan shall be fully implemented prior to the issuance of a Certificate of Occupancy for the Cinema.

Chair Sammut advised of 10-day appeal period.

#### **9. 3290 Longview Dr.**

Request for a Conditional Use Permit to the allow construction of a new home, which proposes to increase the Gross Floor Area (proposed home compared to existing) by more than 50%, 12.200.030.B.1 of the San Bruno Zoning Ordinance. – David Perng (Applicant/Architect); David Ng (Owner)

Associate Planner Yu entered staff report.

Staff recommends approval of UP-04-62 based on Findings for Approval 1-8 and Conditions for Approval 1-16.

Commissioner Marshall asked for clarification of the allowable Gross Floor Area Ratio. Associate Planner Yu stated that the adjusted allowable Gross Floor Area Ratio is a result of the large lot size. Commissioner Marshall also asked if the project would need more than a two-car garage. Planning Manager Akinin stated that the cut-off for only needing a two-car garage is 2800 square feet, not including the garage area.

Commissioner Petersen asked that if the Gross Floor Area were 4,100 square feet, wouldn't it require a three-car garage. Planning Manager Akinin answered in the affirmative.

Chair Sammut stated that he remembers a typical Condition of Approval for demolition that requires some sort of recycling. Planning Manager Akinin stated that it is contained in the J-number permit condition.

David Ng, the owner and applicant, briefly described his project.

Commissioner Johnson asked the applicant if he plans on residing in the home once it is built. He stated that he intends to sell the house. Commissioner Johnson stated that the current tenant told her that she did not know the house would be torn down and



rebuilt. The applicant stated that he had told his tenant of his plans, and that he intends to give her ample notice regarding the scheduled demolition and rebuilding.

#### Public Comment

Karine Diniz, 3280 Longview Dr., stated that she bought the house next door to the proposed site recently. She stated that she was unaware of the proposed project until she received the notice for this hearing. She feels that the proposed project would affect her light and visibility. She does not agree with the proposal to build a two-story house as her house sits between the project site and another two-story house, and would be cut-off from light from both sides if this project were built.

#### Public Comment Closed

Commissioner Johnson asked staff if there had been any discussion with the applicant regarding the design of the project to minimize affects on the neighbors. Associate Planner Yu stated that staff had not discussed this with the applicant, as staff has just now become aware of any neighborhood opposition. Commissioner Johnson stated that she feels there should be some consideration given to the neighbors of this proposed project.

Commissioner Biasotti asked staff if the projects listed on the chart in the staff report had in fact been built. Associate Planner Yu stated that the projects listed have been approved and built.

Commissioner Petersen stated that due to lot layout, it would be difficult to build a house in a location much different from that proposed. He also stated that there have been a number of projects before the Commission along this stretch of Longview Dr, and the table in the staff report makes it clear that this project is on the smaller side of those projects. Therefore, he believes it is a reasonable project.

Commissioner Johnson stated that she agrees with Commissioner Petersen in his take on the proposed project. Her concern lies with the consideration given to the neighbors, not just the one present, but others who she talked to with regard to the project. She was unaware if the neighbors had had a chance to give input on the proposed project.

Commissioner Chase stated that one of the recommendations from the Architectural Review Committee was to inform the immediate neighbors of the proposed project. It is his belief that this had not occurred. He also stated that he believed a window schedule had not been provided as requested at the Architectural Review Committee meeting, and that the windows in the elevations were not consistent and/or uniform.

Planning Manager Aknin recommended that, due to neighborhood and Commission concern, this project be continued to the next Planning Commission meeting. Between now and that time, a meeting could be scheduled with the concerned neighbors.

Commissioner Petersen stated that the only time the proposed project would create a light problem for the neighbor to the west would be the early morning. Planning

Manager Akin agreed. He also stated that the height limitation in an R-1 zone is 35 feet, and the proposed project is only 28 feet. Also, if the lot were vacant, the project would only have to be heard by the Architectural Review Committee, not the Planning Commission.

Commissioner Chase stated his understanding that the applicant is intending to sell the house once constructed. He also stated that he did not intend for his previous comments to be construed to mean that he would like to have the item continued, though he would not be against continuing it on other grounds until the April 5<sup>th</sup> Planning Commission Meeting.

Planning Manager Akin stated that the Commission did have the option to approve the project and have any changes proposed at a future neighborhood meeting conditioned to be approved by the Community Development Director.

Chair Sammut stated that since the delay would only be a couple of weeks, he would not be opposed to continuing it to the next Planning Commission meeting.

Commissioner Biasotti stated that since the applicant intends to sell the subject property once the proposed project has been constructed, it is the responsibility of the Commission to make sure the proposed project is acceptable to the neighborhood.

**Motion to continue UP-04-62 to the Planning Commission meeting of April 5<sup>th</sup>.**

**Biasotti/Johnson**

Commissioner Petersen stated that it is worthwhile to continue to discuss neighborhood opposition regardless of if the applicant intends to sell the property upon completion.

Commissioner Chase asked for clarification on a date of continuance. Chair Sammut stated that it would be April 5<sup>th</sup>.

Chair Sammut also stated that the applicant should make sure he provides a color sample at the next Planning Commission meeting as requested by the Architectural Review Committee.

Commissioner Chase asked for clarification of whether the drawings that the Commission has include the updated window schedule. Associate Planner Yu stated that the plans in front of the Commission contain the current proposed window schedule. The changes that have been made since the Architectural Review Committee meeting have the rear windows matching the front.

Chair Sammut asked for clarification on the window schedule. His understanding is that the front and rear windows would match, but the sides would not. Associate planner Yu stated that his understanding is correct. He asked that the motion maker add to his motion that the side-window details match the front. Commissioner Biasotti was in agreement with that.

Commissioner Chase asked if the whole project were going to be reviewed again on April 5<sup>th</sup>, and if changes to the window schedule could be addressed at that time. Chair Sammut answered in the affirmative.

VOTE: 7-0  
AYES: All Commissioners  
NOES:  
ABSTAIN:

Chair Sammut advised of continuance until April 5<sup>th</sup>, 2005.

#### **10. 105 El Camino Real**

Request Conditional Use Permit and Parking Exception to allow the conversion of a general office to a dental office, per Chapters 12.96.100.C.3 and 12.100 of the San Bruno Zoning Ordinance. – Heston Chau (Applicant/Architect); Dr. Maricor Arrobio (Owner).

Associate Planner Yu entered staff report.

Staff recommends approval of UP-0510 and PE-05-03 based on Findings for Approval 1-10 and Conditions for Approval 1-7.

Commissioner Marshall asked if the building had reserved parking for each specific tenant. Associate Planner Yu stated that parking was not pre-assigned.

Heston Chau, the applicant and architect, stated that although the dental use would have the same square footage as the existing office, patients would not all be there at once, as they would with office employees. Therefore, he believes that the parking exception of only 3 spaces should be granted.

Commissioner Johnson asked the applicant how employees would be working on-site. The applicant stated that there would be one dentist, an assistant, a receptionist and a part-time hygienist. There will only be three patient rooms.

Chair Sammut asked staff if the use permit, if approved, would be approved for a certain number of patient chairs. Planning Manager Akin stated that it would only be approved as such if conditioned as such, and that it would be at the discretion of the Community Development Director to grant changes to the approved plans or refer the applicant back to the Planning Commission.

Commissioner Marshall asked if the parking at the building was open during the day, or if the gate would be only opened by individuals. The applicant stated that the gate was open at all times during normal business hours, and that parking is first-come, first-served.

Public Comment Opened

## Public Comment Closed

Commissioner Chase asked for clarification of parking conditions. He stated that his belief was that there were currently 19 parking spaces on site, of which 18 are underground. He stated that he believed that the 18 underground spaces were shared by the two offices currently in the building as well as the proposed dental office. He asked staff if they knew how many spots were regularly occupied by the existing offices. Planning Manager Akinin stated that the parking requirements for general office are less restrictive than for a medical/dental use, and that of the 3 or 4 times he had been to the project site, the parking lot was never more than half-full. He stated that part of the reason staff is recommending approval of the parking exception is that the lot is currently under-utilized.

Commissioner Chase also asked staff why dental offices had a higher parking requirement than a general office. Planning Manager Akinin stated that the parking requirements in the Zoning Ordinance were probably based on a parking study done some time ago. Commissioner Chase asked when the parking requirements were set up. Planning Manager Akinin said he would research that and get back to the Commission with the requested information.

Commissioner Mishra stated that he believes that the parking requirements are dictated by the building code, and that a medical office has a more restrictive parking requirement.

## **Motion to approve UP-05-10 and PE-05-03 subject to Findings of Fact 1-10 and Conditions of Approval 1-7**

### **Johnson/Marshall**

VOTE: 7-0  
AYES: All Commissioners present  
NOES:  
ABSTAIN:

## **FINDINGS OF FACT**

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Tuesday, March 1, 2005, and legal notice published in the San Mateo Times, Saturday, March 5, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action

to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Interior alteration to an existing facility.
5. The proposal will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.
6. The proposal will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city.
7. The proposal is consistent with the San Bruno General Plan, which designates the property for commercial purposes.
8. The proposed parking exception is subject to such conditions as will assure that granting the request will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located.
9. The strict application of the provisions of Chapter 12.100 of the San Bruno Zoning Ordinance would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property.
10. The establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in Chapter 12.100 of the San Bruno Zoning Ordinance.

## **CONDITIONS OF APPROVAL**

### **Community Development**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit (05-10) & Parking Exception (05-03) shall not be valid for any purpose. Use Permit (05-10) & Parking Exception (05-03) shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings
3. The request for the Use Permit and Parking Exception for a dental office shall be built according to plans approved by the Planning Commission on March 15, 2005, labeled Exhibit B except as required to be modified by these Conditions of

Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.

4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

#### **Fire Department**

6. All conditions of approval by the Fire Department shall be addressed during Building and Safety plan check process.

#### **Public Works Department**

7. All conditions of approval by the Public Works Department shall be addressed during Building and Safety plan check process.

Chair Sammut advised of 10-day appeal period

#### **11. 1013 Montgomery Ave.**

Request Conditional Use Permit to allow a change in use from auto repair to auto repair and Sales per Chapters 12.96 & 12.112 of the San Bruno Municipal Code. – George R. Sistoso (Applicant), Welch Family Partners (Owner)

Associate Planner Yu entered staff report.

Staff recommends approval of UP-05-08 based on Findings for Approval 1-10 and Conditions for Approval 1-9.

Chair Sammut asked staff for clarification on how the applicant was going to obtain the vehicles which he intends to sell; was it via auction or by customers who were unable or unwilling to repair their vehicles. Associate Planner referred stated that the Commission should ask the applicant for clarification of this. He also asked if the City would be receiving sales tax from the vehicles sold at this site, as with any other car dealership. Associate Planner Yu answered in the affirmative.

George Sistoso, the applicant, briefly described his reasons for requesting the use permit. He stated that some cars to be sold would be from customers who were unable to pay for their repairs, and others would be bought from auction, restored and sold.

Chair Sammut stated that he believed that the applicant has the right to lien-sell vehicles as the operator of an auto-repair facility. Mr. Sisto was unaware of this right. City Attorney Thompson stated that the applicant had the right to lien-sell vehicles for refusal of payment, but not as a result of prior arrangement with the vehicle owner. Chair Sammut clarified that the applicant's intent was to sell vehicles for which the owners could not or would not pay, as well as to purchase vehicles from auction and sell those as well. The applicant affirmed this.

Public Comment Opened

Public Comment Closed

Commissioner Chase asked what would happen if the subject property became more of an auto-sales location instead of an auto-repair location. Commissioner Marshall stated that he recommends a condition for review every six months in order to prevent this potential problem. Chair Sammut stated that he was content with Conditions 7-9 to cover this potential. Planning Manager Akin stated that these same conditions were placed on a previous application of the same sort.

Commissioner Johnson asked staff if there were an issue if the applicant were to sell more than two or three cars a month. Planning Manager Akin stated that there was no issue, but that the staff report was based on the applicants support statement, and that the auto sales use is an ancillary use in a zone that is primarily warehouses and auto-repair shops. Staff's only issue is that the auto-sales use remain ancillary.

Commissioner Biasotti asked for clarification of the ancillary use. Planning Manager Akin stated that the ancillary use means that it is primarily a repair shop, and secondarily a sales facility.

Commissioner Chase asked if the Use Permit pertains to the property or the applicant. Planning Manager Akin stated that it pertains to the property so long as the use does not cease to exist for a period of six months or more. Commissioner Chase stated that he was attempting to get additional verbiage in order to prevent a future owner from changing this to a sales lot.

Commissioner Biasotti asked if there were any restrictions on signage for the conditional use. Planning Manager Akin stated that signage regulations would be those contained within the City's existing signage ordinance, which requires Planning department approval.

**Motion to approve UP-05-08 based on Findings of Fact 1-9 and Conditions of Approval 1-9 with additional Planning Commission Condition of Approval 10 stating that if the sales of more than three cars per month occur, the Planning Commission must reconsider this item.**

**Chase/Marshall**

VOTE: 7-0

AYES:  
NOES:  
ABSTAIN:

## **FINDINGS OF FACT**

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Friday, March 4, 2005, and legal notice published in the San Mateo Times, Saturday, March 5, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Interior alteration to an existing facility.
5. The proposal will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.
6. The proposal will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city.
7. The proposal is consistent with the San Bruno General Plan, which designates the property for industrial purposes.
8. The proposed use is similar to conditional uses listed in 12.96.160 M-1 Industrial District (e.g., C.1.a. Auto wrecking) of the San Bruno Zoning Code.
9. The applicant will not modify the general appearance of the building, which is in keeping with the character of the neighborhood and is not detrimental to the adjacent real property because the design and materials are similar to other industrial buildings in the area.
10. The applicant will not modify the general appearance of the building, which does not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, does not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.

## **CONDITIONS OF APPROVAL**

### **Community Development**



1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit (05-10) & Parking Exception (05-03) shall not be valid for any purpose. Use Permit (05-03) & Parking Exception (05-03) shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings
3. The request for the Use Permit for auto sales shall not constitute approval for any changes to the existing structure as shown in the plans submitted to the Planning Commission on March 15, 2005, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The garage shall be used for the storage and body repair of two (2) motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Not more than three cars shall be displayed per month. Scope of sale shall not exceed applicant's description labeled Exhibit C.
8. No vehicle sales shall occur on the street. Display of for-sale vehicles shall be located entirely on the subject property.
9. No parking of for-sale vehicles is allowed on the street at any time.

### **Planning Commission**

10. This use permit shall be brought back in front of the Planning Commission if more than three cars per month are sold at the subject site.

Chair Sammut advised of 10-day appeal process

## 12. City Staff Discussion

Planning Manager Akinin gave a power point presentation on the Current Development Projects/Proposals which are currently in the works in San Bruno.

Chair Sammut commended Planning Manager Akinin's presentation.

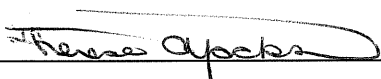
Planning Commissioner Akinin stated that there may be some upcoming Zoning Code Amendments. He also mentioned that there will be two Planning Commission meetings in April: the 5<sup>th</sup> and the 19<sup>th</sup>. There will also be two Architectural Review Committee meetings: the 14<sup>th</sup> and 28<sup>th</sup>. April 14<sup>th</sup> ARC attendees: Mishra, Chase, Biasotti; April 28<sup>th</sup> ARC attendees: Biasotti, Johnson, Sammut, back-up: Mishra.

## 13. Planning Commission Discussion

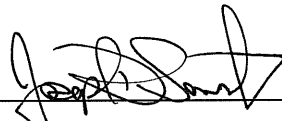
Commissioner Chase stated that items 9 and 11 did not have the existing site conditions. Planning Manager stated that it was likely an oversight, and that it will be in future staff reports.

Chair Sammut asked the Planning Manager Akinin to have the Code Enforcement officers "take a stroll" down San Bruno Ave. between Highway 101 and San Mateo Ave. He believes here are a lot of landscaping and signage issues that need addressing.

## 14. Adjournment



**Terry Jackson,**  
Interim Secretary to the Planning  
Commission  
City of San Bruno



**Joe Sammut,** Chair  
Planning Commission  
City of San Bruno

NEXT MEETING: April 5<sup>th</sup>, 2005

TJ/af

Meeting was adjourned at 9:02 pm.

April 14 ARC –Mishra/Chase/Biasotti

April 28 ARC – Biasotti/Johnson/Sammut, Alternate - Mishra